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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,762	07/25/2005	Jean Marc Auriol	3978-17 (185766)	5085
30448 7590 12/11/2009 AKERMAN SENTERFITTT P.O. BOX 3188 WEST PALM BEACH, FL 33402-3188				
EXAMINER SAFAVI, MICHAEL				
ART UNIT 3637		PAPER NUMBER		
NOTIFICATION DATE 12/11/2009		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip@akerman.com

Office Action Summary

Application No.

10/520,762

Applicant(s)

AURIOL ET AL.

Examiner

MICHAEL SAFAVI

Art Unit

3637

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on May 19, 2009 & September 24, 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-13, 15 and 16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-13, 15 and 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ ~~Notice of Informal Patent Application~~
- 6) ☐ Other: _____

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 19, 2009 and September 24, 2009 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-13, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over European Patent Application Publication (EP 0 618 022) in view of European Patent Application Publication (EP 0 995 537) and Rogers et al. 5,480,062.

EP '022 discloses, Figs. 1 and 3, a storage distribution device comprising a body 26 equipped with zones 19 to accommodate storage cartridges 29, a moving distribution head 31, and at least a distribution tube 33 having a diameter corresponding to the diameter of parts to be distributed with the parts being moved by a transport fluid. The moving distribution head 31 collects and evacuates parts from the cartridge 29. EP '022

does not appear to specifically disclose a number of distribution tubes connected to the moving distribution head.

However, EP '537 discloses, Fig. 1, a storage distribution device comprising a body equipped with zones to accommodate storage cartridges 12, a distribution head 28, and distribution tubes 16/30 connected to the distribution head with each tube having a diameter corresponding to the diameter of parts to be distributed with the parts being moved by a transport fluid. The distribution head 28 collects and evacuates parts from the cartridge 12.

Therefore, to have provided the storage distribution device of EP '022 with a number of distribution tubes 33 connected to the moving distribution head 31 with each tube having a diameter corresponding to the diameter of parts to be distributed would have been obvious to one having ordinary skill in the art at the time the invention was made as taught by EP '537.

EP '022 in view of EP '537 does not appear to specifically disclose the parts storage cartridge as having an identification label or a mobile distribution head with an identification label reading head.

However, Rogers et al. discloses thus, teaches application and utilization of parts storage cartridge as having an identification label with a mobile distribution head having an identification label reading head to allow for specific access to a cartridge and distribution of a specific item or part. Therefore, to have provided the assembly of EP '022 in view of EP '537 with parts storage cartridges having an identification label with a mobile distribution head having an identification label reading head to allow for specific

access to a cartridge and distribution of a specific item or part, would have been obvious to one having ordinary skill in the art at the time the invention was made as taught by Rogers et al.

The resulting storage and distribution device would thus have: a storage cartridge body having receiving zones for receiving parts storage cartridges with an identification label; at least one mobile distribution head, the mobile distribution head having an identification label reading head; distribution tubes coupled to the mobile distribution head with each tube having a diameter that corresponds to the diameter of the parts to be distributed; wherein the parts are moved by a transport fluid; and wherein the mobile distribution head is configured to position an end of the distribution tube coaxially to an outlet of a storage cartridge such that the part can be evacuated from the cartridge and moved through the distribution tube.

The mobile head 31 is associated to a logic structure 5 creating a displacement plane of the said head 31 in front of the cartridges 29; though, EP '537 discloses a logic structure 24 for distributing the variously sized parts.

The cartridges 29 have a stored part outlet orifice wherein the tubes 33 of the head 31 are positioned parallel to the axes of the outlet orifices of the cartridges 29 storing the parts to be distributed, (as a result of the plurality of tubes 33 connected to the modified EP '022 moving distribution head); and wherein via the movement of the said mobile head 31 the parts are positioned coaxially to the axes of the outlet orifices, (an inherent feature).

With EP '022 as modified the distribution tubes 33 of the head 31 would move from a position where they are moved by means of the mobile head 31 to a position where one of their ends communicates with the cartridge 29 containing the parts to be distributed and vice versa.

Each cartridge 29 is associated/connected to a wait chamber 50 that authorizes the unitary exit of the parts it stores and with which the mobile head 31 communicates.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL SAFAVI whose telephone number is (571)272-7046. The examiner can normally be reached on Mon.-Fri., 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allen Shriver can be reached on (571) 272-6698. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

/Michael Safavi/
Primary Examiner, Art Unit 3637

M. Safavi
August 14, 2008